IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10386 OF 2006
DATE OF DECISION: 09-03-2007

Rajender Singh Kushwaha son of Sh.Mohan Singh Kushwaha, Sub Inspector, CRPF, O/o DIGP, CRPF, Chandigarh.

.....PETITIONER

VERSUS

1. Union of India through Secretary, Ministry of Home Affairs, New Delhi.
2. Directorate General, CRPF, CGO Complex, Lodhi Road, New Delhi.
3. Inspector General of Police, North Western Sector, CRPF, Chandigarh.
4. DIGP, CRPF, Chandigarh Range, Hallomajra, Chandigarh.

.....RESPONDENTS

CORAM:- **HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA**
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr.RS Bajaj, Advocate
for the petitioner.

Mr.Naveen Chopra, Advocate
for the respondents.

R S MADAN, J.

By filing the present Civil Writ Petition under Articles 226/227 of the Constitution of India, the petitioner prayed for issuance of a

writ, order or direction in the nature of certiorari for quashing the order dated 15-06-2006 Annexure P3 whereby he has been ordered to be transferred from Chandigarh to North East Sector and he has been allotted Khatkhati Range, Assam. The petitioner made a representation to the competent Authorities wherein he has alleged that he is facing matrimonial litigation in the Civil Court of Law, Agra in the form of divorce petition as well as petition under Section 125 of the Code of Criminal Procedure, therefore, his transfer order be cancelled and he be posted in the CRPF Headquarter, Delhi, which is close by to Agra so that he would be in a position to attend to his Court cases. His representation was forwarded to the Higher Authorities but to no effect.

The petitioner further averred that from 1-7-1995 upto 2-8-1998, he was posted in 86 Battalion CRPF at Kohima (Nagaland) and the Battalion kept moving from one place to another and in this way he has served at Kohima, Amritsar and Baramulla. The petitioner was also detailed for course/duty at Banglore, Lucknow etc. The petitioner stated that he should be posted not at the hard station. While issuing notice of motion on 14-7-2006 in this case, this Court has issued an ad interim stay directing that status quo with regard to the posting of petitioner be maintained.

The respondents moved an application for vacation of the stay order as well as filed written statement wherein it has been averred that on release of Summer Chain Transfer-2006, the petitioner was transferred to North Eastern Sector and was further allotted Khatkhati Range, Assam. He had earlier made representation with a view to get transfer at a place of his choice i.e. near to Delhi or Gurgaon or Noida but the same was declined. The petitioner has already remained posted in Delhi from 01-5-1991 to

30-6-1995 and later on he remained at Gurgaon from 3-8-1998 to 9-6-2002. He was transferred from Gurgaon to Range Headquarter, Chandigarh on 20-6-2002 i.e. for four years and then from 10-6-2002 till date he had completed his normal tenure posting of four years at Range Headquarter, Chandigarh. In his total career in service of 15 years, he has been in and around Delhi for eight years and further in Chandigarh for four years. He remained on temporary duties at the office of IGP (OPS) SNR from 1-12-1998 to 31-5-1999 for a short spell.

It is further averred that intention of the petitioner is to remain in and around Delhi, Gurgaon and Noida which may not be possible in view of the Summer Chain Transfer.

After going through the facts of the case and hearing the learned counsel for the parties, we are of the view that the transfer is an exigency of service and the petitioner has always been getting the posting of his choice in and around Delhi. He has now been transferred to the North Eastern Sector and vide Annexure P7 dated 28-6-2006, he has been allotted Kathkhati Range, Assam and his representation Annexure P8 has also been rejected. No malafide has been attributed against any of the respondents regarding transfer.

We find no merit in this writ petition and the same is hereby dismissed.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

March 09, 2007
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